

SAFE DRINKING WATER ACT9-28. Non-Compliance With Conditions of an Expiring or Expired Permit

1. **AUTHORITY.** To take all other appropriate and necessary actions, except initiating enforcement action, when a permittee is not in compliance with the conditions of an expiring or expired permit in accordance with 40 C.F.R. Section 144.37(c).
2. **TO WHOM DELEGATED.** Branch chief, Safe Drinking Water Branch.
3. **LIMITATIONS.**
  - a. Prior to initiating enforcement action when a permittee is not in compliance with the conditions of an expiring or expired permit in accordance with 40 C.F.R. Section 144.37(c), the delegatee of the Enforcement and Compliance Assurance Division, shall notify the director or designee, WD. The director of WD may waive such notification.
  - b. For authorities to issue a notice of intent to deny a new permit under 40 C.F.R. Section 144.37(c)(2) and to issue a new permit under 40 C.F.R. Section 144.37(c)(3), see Delegation Nos. 9-22, 9-23, and 9-24.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may not be redelegated further.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Safe Drinking Water Act §1423; 40 C.F.R. § 144.37(c).



Darcy O'Connor, Director  
Water Division

5/31/15

Date